

APPROVED: MEETING NO. 27-86

ATTEST: *Carol A. Backlund*  
*Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 15-86

April 14, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 14, 1986, at 7:30 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James F. Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson; City Attorney Paul Glasgow; City Clerk Helen Heneghan.

Re: Briefing: Rockville  
 Pike Shuttle -  
 Kenneth Orski

Mr. Kenneth Orski gave a briefing to the Mayor and Council on a Metropolitan Washington Council of Governments' study on the feasibility of a Rockville Pike shuttle private transportation study, a part of a larger study being conducted for the entire region. The purpose of the study is to explore the possibility of enlisting the private sector to solve transportation problems. A final report will be available for the City and the citizens soon. The Mayor and Council thanked Mr. Orski for his presentation.

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Re: City Manager's Report

Mr. Robinson reported the following:

1. The District Court task force will meet on Wednesday, April 23, at 10:00 a.m. at City Hall.
2. Request for Proposal for a police consultant study has been completed. After Mayor and Council review it will be released.
3. The staff is monitoring the Montgomery County Noise Ordinance at this time in order to ensure the City's code is the same and facilitate compliance.
4. The Mayor's run will be held on Sunday, April 28. All are invited to participate.
5. The Maryland General Assembly has closed its 1986 session. The bill to grant the F. Scott Fitzgerald Theatre \$250,000 has been passed by both houses. This is the culmination of three years of lobbying effort. Mr. Robinson thanked all responsible for this. The Mayor agreed and specifically thanked Messrs. Tyner, Hobbs and Moser, but a very special thank goes to Delegate Forehand who orchestrated the project. The Mayor added that on April 21 there will be a meeting of the Civic Associations at the Senior Center. A very good turn out is anticipated. The Rockville Boys Baseball Association opening day will be April 26.

The Mayor thanked the students at Richard Montgomery and Ritchie Park Elementary for their interest in the City. He spoke at both schools last week and was very impressed by the student's questions.

Re: Introduction of High  
School Students from  
Championship Teams

The Mayor presented certificates and plaques to the students from the three area high schools:

Wootton High School

**Girls Swim Team:** Coach Denise Adams and team members - Sophia Canalizo, Stephanie Carlson, Erin Cashman, Lori Cruz, Christine Curtis, Corry Davis, Amantha Drake, Cara Feys, Glynis Frost, Karina Goping, Beth Gregory, Meghan Henning, Erin King, Gaby Kunz, Kelley McCathran, Linda Medlin, Rachelle Nashman, Jennifer Nathanson, Julia Picard, Lisa Resnick, Michelle Sherburne, Missy Smith, Bea Sobel, Laura Steele, Christy Underdonk, and Becky Williams.

**Boys Swim Team:** Robi Kunz, Eric Lichtman, Maneth Gravell, and Mike Bayless

**Track Team:** Sarah Quinn

**Wrestling Team:** Tom Levin, Pat Burke

Richard Montgomery High School

**Wrestling Team:** George Pakik, Richard Brodhurst

**Track Team:** Richard Ridley, Kevin Geer

**Girls Swim Team:** Tracy Gawler, Karin Masel

**Boys Basketball:** Lorenzo "Junior" Martin

Rockville High School

**Girls Basketball:** Coach Joan O'Brien and assistant coach Margaret Sears and team members: Linda Brainin, Laurie Clark, Susan Coffey, Felicia Jenkins, Christine Kline, Nancy Koehler, Beth Laine, Kelly Lavern, Nina Martinelli, Carolyn Oakford, Sue Rowe, Debbie Shockley, Donna Wagner, and Laura Wilson.

**Girls Swim Team:** Coach Debbie Maloid and members Karen Candelaria, Lee Cardwell, Tara Coffman, Michelle DeJong, Alexis Harrison, Lisa Helms, Katie Jewell, Beth Johnston, Alicia Karam, Amy Mahan, Beth Mann, Ellen Poirier, Kindra Predmore, Maria Rigopolous, Mellisa Rinaldi, Paige Sipe, Donna Stanton, Holly Tompkins, and Kathy Woods.

**Wrestling Team:** Brian Rhodes, Bob Geist, Jeff King, Scott Delpo and Joe Green.

Re: Appointments

Mayor Van Grack made the following appointments. They were confirmed by the Council:

Education Commission: Ruth Litzenberger - Chairman - one year term

Traffic & Transportation Commission: Brian McCollum - reappointed - 2 year term

Montgomery County Children's Resource Center Advisory Committee:

Denise DeCoste  
401 Baltimore Road

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Montgomery County Health Planning Commission: Barbara McGarey  
601 Grandin Avenue

Landlord/Tenant Affairs Commission: Daniel Barnett - At-large member - 3 year term  
Mary Veerwerk - reappointed - 3 year term  
(Landlord Member)

Sign Review Board: Bruce Williamson - reappointed - 3 year term

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Joseph Zetts, 121 Ritchie Parkway. Mr. Zetts told the Mayor and Council that the weight lifting room at the Municipal Swim Center has a water leak which makes it very undesirable for use.

Mr. Zetts spoke about the 7 Eleven located in the Ritchie Center. Several years ago residents asked that it be closed between the hours of 11 p.m. and 6 a.m. since there is a serious noise and nuisance problem. He went on and cited a chronological list of complaints lodged over the years and an attempt to mitigate them. The Mayor and Council asked the City Manager to get back with information. It is their hope that steps can be taken to have the store closed from 11 p.m. to 6 a.m.

2. Everett Trumbo, 107 Virginia Avenue. Mr. Trumbo addressed the Mayor and Council concerning an unimproved lot at the intersection of Reading Terrace and South Stonestreet Avenue where an office building will be constructed. He said it should be a residential use on this land since traffic and the curve in the road will create a dangerous situation. The City Manager said he would come back with additional information.

3. Marie Baldassano, 319 Grandin Avenue. Ms. Baldassano protested the building of the office on Stonestreet and said she would hope the Mayor and Council can prevent the action.

4. Mr. Frank Simon of Edmonston Drive said he would like to attend the work session on amendments being made to Chapter 11 on Truck Parking. Councilman Abrams noted there will be a public hearing on May 12 and suggested that he may wish to attend.

Re: Introduction of  
Ordinance: To amend  
Chapter 11 of the  
Laws of Rockville,  
entitled "Traffic and  
Transportation" so as  
to prohibit on-street  
commercial vehicle  
and truck parking

On motion of Councilman Hartogensis, there was introduced upon the table, an ordinance to amend Chapter 11 of the Laws of Rockville, entitled "Traffic and Transportation" so as to prohibit on-street commercial vehicle and truck parking, said ordinance to be the subject of a public hearing on Monday, May 12, 1986.

Re: Introduction of  
Ordinance: To amend  
Chapter 11 of the  
Laws of Rockville,  
entitled "Traffic and  
Transportation" so as  
to clarify the prohi-  
bitions of on-street  
parking

On motion of Councilman Hartogensis, there was introduced upon the table, an ordinance to amend Chapter 11 of the Laws of Rockville, entitled "Traffic and Transportation" so as to clarify the prohibitions of on-street parking, said ordinance to be the subject of a public hearing on Monday, May 12, 1986.

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Re: Introduction of  
Ordinance: To amend  
Chapter 13, "Human  
Rights Commission",  
to increase the time  
in which a complaint  
can be filed from 45  
days to 180 days

On motion of Councilman Hartogensis, there was introduced upon the table, an ordinance to amend Chapter 13 of the Laws of Rockville, entitled "Human Rights Commission", to increase the time in which a complaint can be filed from 45 days to 180 days, said ordinance to lay over at least one week before final action is taken.

Re: Award of Contract:  
Bid No. 53-86, Senior  
Buses

Bid No. 53-86 was written for a 22-passenger bus with wheelchair lift and accessories and an option to supply a 28-passenger bus omitting the wheelchair lift and accessories. The two buses are identical but there are six passenger spaces given up on the bus that accommodates the handicapped.

Of 10 proposals sent out only one bid was received, namely \$53,227 for the 22-passenger bus with handicap provisions and an optional bid of \$50,190 for a 28-passenger bus (i.e. same bus without handicap options). The single bidder was Chesapeake Bus and Equipment Company, Gaithersburg, Maryland.

The budgeted amount for the purchase of two buses is \$82,000. The \$82,000 was expected from these sources: \$31,000 for replacement of Bus No. 303 and \$31,000 for replacement of Bus No. 304, both from the vehicle replacement fund; and \$20,000 from the sale of Bus No. 430. In FY 85 Montgomery County had purchased 22-passenger handicap equipped buses for \$38,000. Further, when the Department of Community Resources' personnel and Public Works' personnel looked at buses in fall of 1985, it appeared that a budget estimate of \$42,000 for handicap-equipped buses (\$40,000 without) in FY 86 was realistic.

Staff believes that the single bid is excessive and that it be rejected. The Invitation to Bid includes the right of the City to take this action. Therefore, staff recommends that the following actions be taken:

1. Bid No. 53-86 be rejected because only a single bid was received and that the single bid was excessive; and
2. That the City change its specifications in a minor way in order to encourage additional bidders.

Mayor Van Grack asked that the staff move expeditiously in sending out new requests for bids.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Bid No. 53-86 was rejected as recommended by staff and staff instructed to change the specifications in order to encourage additional bidders.

Re: Approval of  
Relocation of  
Woodmont Shell  
Building

The Woodmont Shell Building, located at 1250 West Montgomery Avenue, is located on land which was zoned C-2, General Commercial, under "conditional zoning." One of the conditions gives the Mayor and Council "...the power and authority to approve or disapprove the design of buildings, construction, landscaping, or other improvements, alterations, and changes made or to be made on the subject land." The Shell Oil Company is now proposing several modifications. A third pump island will be added to the west side of the two existing pump islands, and the canopy will be extended to cover the new pumps. To make room for the new pump island and extended canopy, the existing station building will be relocated approximately 90 feet towards the Watts Branch Parkway/Hurley Avenue corner of the lot. Moving the building will also necessitate relocating some parking spaces and modifications to the Hurley Avenue driveway. Therefore, the plans must be reviewed and approved by the Mayor and Council.

The proposed site modifications are consistent with previous approvals and do not violate any zoning regulations. The Planning Commission has approved a Use Permit (U-351-85) for the modifications subject of final Mayor and Council approval.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, approval was given for the relocation of the Woodmont Shell Building as recommended by staff in their staff report of January 3, 1986.

Re: Public Hearing: Text Amendment Application, T-72-85, J. A. Lynott, Applicant, to allow canopies to project up to the right-of-way

The Mayor and Council conducted a public hearing on Text Amendment Application, T-72-85, and heard those persons as will be found in the stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Public Hearing: Text Amendment Application, T-75-86, to allow carnivals as a temporary use in the C-2, O-1 and TCM-2 zones

The Mayor and Council conducted a public hearing on Text Amendment Application, T-75-86, to allow carnivals as a temporary use in the C-2, O-1 and TCM-2 Zones, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open until April 25, 1986, at 5:00 p.m.



Re: Public Hearing: A proposed Ordinance that would amend Chapter 27 of the "Laws of Rockville" to provide for the licensing, location and operating regulations of carnivals

The Mayor and Council conducted a public hearing on a proposed ordinance that would amend Chapter 27 of the "Laws of Rockville", entitled "Amusements and Vendors", to provide for the licensing, location and operating regulations of carnivals and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed with the record to be held open until April 25, 1986, at 5:00 p.m.

✓ Re: Adoption of Resolution: To deny Text Amendment Application, T-70-85, Fortune Parc, Applicant

Resolution No. 13-86

Councilman Hartogensis said he is not judging the merits of Fortune Parc on this Text Amendment. He feels the amendment has a flaw that is dangerous. He hopes the staff will come back with a text amendment to tighten the loops and to give the Mayor and Council something to work with that can accommodate Fortune Parc.

Councilman Abrams said he is more concerned with the City's own process, although he appreciates Councilman Hartogensis' comments. The Mayor and Council are asked to comment on an application that was submitted at the applicants initiative and although he would like to see the specific annexations disassociated, the procedure does not allow it. He strongly urged that the staff work with the Mayor and Council to get the zone changed to accommodate the applicant.

Councilman Coyle said the future character of the City will be decided by the balance of future development and heavy development in and on the City's borders presents a problem. He said he would more like to see the Mayor and Council focus on what is right for Rockville and not rush to judge and modernize an I-3.

Mayor Van Grack reiterated his support of the amendment as a planning tool and suggested that it serves the City better to have control of its borders rather than be victimized as the City is at present by developments external to the City such as White Flint and the Washingtonian.

On motion of Councilman Duncan, duly seconded and passed, Councilman Abrams abstaining and Councilmembers Coyle, Duncan and Hartogensis voting aye, Mayor Van Grack voting nay, Resolution No. 13-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, denying Text Amendment Application, T-75-85, was adopted by the Mayor and Council.

✓ Re: Approval of  
Amendments to  
Employees Retirement  
Plan

Before the Council this evening is a contract amendment to the employees retirement plan, the culmination of a 15 month collaborative discussion between management and representatives of the administrative employees. The plan proposes the following:

1. It provides improved benefits for future retirees,
2. It provides an additional retirement option vehicle, and
3. It continues the present levels of contribution for the City and the employees.

On motion of Councilman Duncan, duly seconded and unanimously passed, the employees retirement plan was amended **according** to the contract submitted.

## Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Delegate Morrella, acknowledging Mayor and Council letters Senators Bainum, Shore, Kramer, Beck & Riley on the same subject

The Mayor and Council, on the suggestion of Councilman Hartogensis, agreed that a letter should be sent to Senator Levitan thanking him for his assistance. Councilman Abrams suggested that since the Delegation is attending the April 28 meeting, a resolution thanking Senator Levitan and Delegate Forehand would be in order. The Mayor asked that Senator Levitan be invited to the meeting.

2. Montgomery County Government re allocation of State funds
3. Bessie Frank, Estelle Beberian and Jane Vaughan on Senior Day Care

Councilman Coyle asked when the staff report would be available. The City Manager said it should be in by the end of the week.

4. Congressman Barnes re Cooperative Extension Service
5. Montgomery County Crossing Guards, request for support
6. Fairwood/Ritchie

Councilman Coyle suggested that the police monitor the traffic on Fairwood at Ritchie Parkway. Chief Stout said the Traffic Engineer will monitor it and get back with a report.

## Re: Information Items

The Mayor and Council noted the following items of information:

1. Information on Code Enforcement at Twinbrook Shopping Center
2. Memo from City Attorney re Rand appeal

## Re: Approval of Minutes

Councilman Duncan drew the Council's attention to an item regarding appointments and Councilman Duncan moved to defer consideration of the Minutes of Meeting No. 10-86 until such time as a memo concerning the appointment to the Advisory Commission on Public Education could be reread. The motion was defeated. Councilman Abrams suggested that an asterisk be placed in the minutes stating that Mrs. Resnick was appointed to fill a one-year term when there was such a vacancy. The motion passed unanimously.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 10-86, March 10, 1986, were approved as amended.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 11-86, March 15, 1986, were approved as amended.

Re: New Business

1. Councilman Abrams noted the following items of new business:

a) The four-way stop sign at Crawford Drive and Broadwood Drive needs enforcement.

b) The status of the enforcement of the home occupation ordinance. He would like the staff to look at the definition of home occupations in the ordinance.

c) He suggested the Minutes of Meeting No. 11-86 might be sent to the former Mayors with a copy of the Charter.

2. Councilman Coyle suggested the following:

a) He would like to know the status of the school warning sign on Beall Avenue before the Stop sign.

b) He would like some monitoring of the speeding at Watts Branch Parkway near Fallswood Court and have the Traffic Engineer look at it.

c) On the Police Consultant RFP he would like to see inserted a specific request that the consultant meet with the Human Rights Commission and look at Police/Community Relations.

3. Councilman Duncan noted that he is very pleased with the request for proposals.

4. Mayor Van Grack suggested the the request for traffic monitoring, etc. could be given to the City Manager at any time. And, New Business might be used as an opportunity to discuss matters. Councilman Abrams disagreed and said the point of New Business is to introduce new items but at the same time it is a time to report on Saturday's drop in business. It is the best time to get the

consensus of the Council on what direction to give to the City Manager. Mayor Van Grack suggested that since one out of six items deals with consensus it could be done at another time. Councilman Duncan agreed with Councilman Abrams and suggested the Mayor's remarks be shortened after the City Manager's report.

Re: Executive Session

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the meeting was closed for executive session for consultation with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:40 p.m. to convene again in general session on Monday, April 28, 1986, at 7:00 p.m. or at the call of the Mayor.